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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

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9 Quanta Indemnity Company, ) No. CV 11-1807-PHX-JAT  
10 Plaintiff, )  
11 vs. )  
12 )  
13 North American Specialty Insurance )  
14 Company; General Fidelity Insurance )  
15 Company; Amberwood Development Inc.;)  
16 Amberwood Homes LLC; Roll Tide LLP;)  
17 Summerset Marketing Enterprises Inc.;)  
18 Winston Casas LLC, )  
19 Defendants. )  
20 \_\_\_\_\_)

21 On August 23, 2013, Motions for Summary Judgment were filed in this case. After  
22 multiple extensions of time, Responses were filed on November 22, 2013. On November 27,  
23 2013, some parties moved to strike another party's responsive statement of facts. Those  
24 parties then sought expedited consideration of the motion to strike and an extension of time  
25 to file the replies until after the Court rules on the motion to strike.

26 Local Rule Civil 7.2(m) states: "An objection to (and any argument regarding) the  
27 admissibility of evidence offered in support of or opposition to a motion must be presented  
28 in the objecting party's responsive or reply memorandum and not in a separate motion to  
strike... ." This rule was designed, in part, to prevent exactly what the parties in this case  
seek to accomplish: delaying the briefing of the summary judgment motions by tangential  
motions to strike. Accordingly, the Court will grant the request for expedited consideration,

1 deny the motion to strike because it is not permitted by Local Rule Civil 7.2(m) and deny the  
2 request for an extension of time to file the replies.

3 The parties shall not move for reconsideration of this order arguing that this particular  
4 iteration of a motion to strike is somehow different than what is forbidden by the civil local  
5 rules. The Court finds that even though this motion to strike goes beyond objecting to the  
6 evidence, it nonetheless fall within the prohibition of the civil local rules. Accordingly, if  
7 the parties seek to make these (or any other) objections to the responsive statement of facts,  
8 any such objections must be made in the replies.

9 Therefore,

10 **IT IS ORDERED** that the motion for expedited consideration (Doc. 178) is granted.

11       **IT IS FURTHER ORDERED** that the motion to strike (Doc. 177) is denied without  
12 prejudice to raising the same arguments in the replies.

13           **IT IS FINALLY ORDERED** that the motion for extension of time to file replies  
14 (Doc. 179) is denied.

15 DATED this 3<sup>rd</sup> day of December, 2013.



James A. Teilborg  
Senior United States District Judge